

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MATTHEW TORRES,

Plaintiff,

-against-

ST. PETER'S COLLEGE and ALLIEDBARTON
SECURITY SERVICES, INC.,

Defendants.

-----X
ALLIEDBARTON SECURITY SERVICES, LLC,

Third-party Plaintiff,

-against-

AKIRAH STEPHENSON, JAZMEN STROMEN, and
JOHN DOES, nos. 1 TO 5, being fictitious names to
represent the assailants in this action,

Third-party Defendants.

-----X

The Defendant, ALLIEDBARTON SECURITY SERVICES, LLC i/s/h

ALLIEDBARTON SECURITY SERVICES, INC., by SHAFER GLAZER, LLP, complaining of
the third-party defendant, respectfully alleges upon information and belief as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned the third-party plaintiff, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., was and is a business entity doing business in the State of New York.
2. That at all times hereinafter mentioned the third-party plaintiff AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc. was and is a

Limited Liability Company duly organized and existing pursuant to the laws of the State of Delaware with its principal place of business in Pennsylvania.

3. That upon information and belief, at all times hereinafter mentioned, the third-party defendant, AKIRAH STEPHENSON, was and is a resident of the State of New Jersey.
4. That upon information and belief, at all times hereinafter mentioned, the third-party defendant, JAZMEN STROMEN, was and is a resident of the State of New Jersey.
5. That upon information and belief, at all times hereinafter mentioned, third-party defendants were students at St. Peter's College located in Jersey City, New Jersey.
6. That this action arises out of transactions or occurrences in the State of New Jersey.
7. That prior hereto, the plaintiff commenced an action in the Supreme Court of the State of New York in the County of New York. Annexed hereto and made parts hereof are copies of all pleadings heretofore served in said action.
8. That it is alleged in plaintiff's complaint, without admitting the truth thereof, that on December 8, 2006, plaintiff suffered personal injuries and attributes the damage to the negligence of the Defendants, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc. and St. Peter's College
9. If damages were sustained as alleged in the complaint, it was due to the negligence and carelessness of the third-party defendants.

10. It is alleged that the third-party defendants enabled several men to enter a St. Peter's College dormitory, Whelan Hall, wherein those men assaulted several students, including the plaintiff.
11. It is further alleged that the third-party defendants brought these men into Whelan Hall with the purpose of confronting a student, Mark Cheatham. This led to an altercation which allegedly resulted in the injuries to the plaintiff.
12. In the event that plaintiff, Matthew Torres, should receive any judgment against the third-party plaintiffs for damages for plaintiffs alleged injuries sustained because of any negligence of these third-party plaintiffs, then in that event, the third-party plaintiffs will be entitled to judgment against the third-party defendants for contribution.
13. By reason of the foregoing, the third-party defendants are liable over to the third-party plaintiff, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., in common-law indemnification or contribution for all of third-party defendants' proportionate share of any judgment or settlement that the plaintiff may recover from the third-party plaintiff.

AND AS FOR A SECOND CAUSE OF ACTION

14. The third-party plaintiff, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., repeats, reiterates and realleges each and every allegation set forth in the paragraphs numbered "1" through "13", inclusive, with the same force and effect as if set forth herein at length.

15. It is alleged that the third party defendants, JOHN DOES, nos. 1 TO 5, entered into Whelan Hall with Akirah Stephenson for the purpose of confronting a student in room 109, Mark Cheatem.
16. It is further alleged that a physical confrontation ensued between John Does 1 to 5 and the plaintiff.
17. It is alleged that at one of the third-party defendants, John Does 1 to 5, made contact with the plaintiff causing the injuries alleged in the complaint.
18. In the event that plaintiff, Matthew Torres, should receive any judgment against the third-party plaintiffs for damages for plaintiffs alleged injuries sustained because of any negligence of these third-party plaintiffs, then in that event, the third-party plaintiffs will be entitled to judgment against the third-party defendants for contribution.
19. By reason of the foregoing, the third-party defendants are liable over to the third-party plaintiff, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., in common-law indemnification or contribution for third-party defendants' entire proportionate share of any judgment or settlement that the plaintiff may recover from the third-party plaintiff.

WHEREFORE, third-party plaintiff, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., demands judgment over and against the third-party defendants, for third-party plaintiff's entire proportionate share of any judgment which may be recovered by plaintiff against third-party plaintiff, together with the costs, disbursements, counsel fees and accrued interests thereon.

Dated: New York, New York
July 8, 2008

Yours, etc.,

s/ *David A. Glazer*

DAVID A. GLAZER (DG4504)
SHAFFER GLAZER, LLP
Attorneys for Defendant
AlliedBarton Security Services, LLC i/s/h
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(212) 267-0011
Our File: SPG-00133

TO:

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ST. PETER'S COLLEGE
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VERIFICATION

DAVID A. GLAZER, an attorney duly admitted to practice law in the State of New York, hereby affirms the truth of the following under penalty of perjury and pursuant to CPLR 2106:

I am a Managing Partner of SHAFER GLAZER, LLP, and I have read the contents of the third-party complaint and it is are true of my own knowledge, except as to the matters therein stated to be alleged on information and belief and that as to those matters I believe them to be true.

I make this verification because Defendant, AlliedBarton Security Services, LLC i/s/h AlliedBarton Security Services, Inc., resides outside of the county where Shafer Glazer, LLP maintains its office.

Dated: New York, New York
July 8, 2008

s/ *David A. Glazer*

DAVID A. GLAZER (DG4504)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing On, affirmant served the within **Third-Party Summons and Complaint** were mailed by first class mail, postage prepaid this July 15, 2008 to all counsel of record as indicated on the service list below.

s/ *David A. Glazer*

DAVID A. GLAZER (DG4504)
For the Firm

SERVICE LIST

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INDEX NO. 1:07-CV-09323-RJH

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THIRD-PARTY SUMMONS AND COMPLAINT

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